

DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled REGULATORY SEQUENCES CAPABLE OF CONFERRING EXPRESSION OF A HETEROLOGOUS DNA SEQUENCE IN ENDOTHELIAL CELLS IN VIVO AND USES THEREOF, the specification of which

\_\_\_\_\_ is attached hereto.  
X was filed on December 2, 1999 (Attorney Docket No. VOSS1110)  
as U.S. Application Serial No. 09/445,201  
and was amended on \_\_\_\_\_  
if applicable (the "Application").

**I hereby authorize and request insertion of the application serial number of the Application when officially known.**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability of the subject matter of the Application as defined in Title 37, Code of Federal Regulations ("C.F.R."), § 1.56.

With respect to the Application, I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

_____ (Application Serial No.)	_____ (Filing Date)
_____ (Application Serial No.)	_____ (Filing Date)
_____ (Application Serial No.)	_____ (Filing Date)

With respect to the Application, I hereby claim the benefit under 35 U.S.C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of the application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability of the subject matter of the Application as defined in Title 37, C.F.R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of the Application:

<u>PCT/EP98/03318</u> (Application Serial No.)	<u>6/3/98</u> (Filing Date)	<u>Pending</u> (Status) (patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country

other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

COUNTRY	APPLICATION NO.	FILING DATE	PRIORITY CLAIMED	
<u>Germany</u>	<u>EP 97 10 8959.4</u>	<u>6/3/97</u>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Georg Breier

Inventor's signature: Georg Breier

Date: March 17, 2000

Residence: Eibenweg 1, 61231 Bad Nauheim, Germany DEX

Citizenship: Germany

Post Office Address: Eibenweg, 1, 61231 Bad Nauheim, Germany

Full name of second inventor: Werner Risau (deceased)  
signed by Barbara Risau as executor of his estate

2-01 Inventor's signature: Barbara Risau

Date: 18. 03. 2000

Residence: Dresdner Str. 2, 35510 Butzbach, Germany DEX

Citizenship: Germany

Post Office Address: Dresdner Str. 2, 35510 Butzbach, Germany

Full name of third inventor: Volker Rönicke

Inventor's signature: [Signature]

Date: 13 III 00

Residence: Danzigerstr. 18, 67240 Bobenheim-Roxheim  
~~Cottbuser Str. 6, 35415 Pohlheim, Germany~~ Danzigerstr. 18, 67240 Bobenheim-Roxheim, Germany

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as of May 2000 (effective as of May 2000:  
Neufriedenheimerstr. 58a 81375 München, Germany)  
München / Neufrieden

Attorney Docket No.: VOSS1110

Applicant: Braier et al.

Serial No.: 09/445,201

Filed: December 2, 1999

Title: REGULATORY SEQUENCES CAPABLE OF CONFERRING EXPRESSION OF A HETEROLOGOUS DNA SEQUENCE IN ENDOTHELIAL CELLS IN VIVO AND USES THEREOF

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 C.F.R. §§1.9(f) and 1.27(d) - NONPROFIT ORGANIZATION)**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: Maz-Planck-Gesellschaft zur Forderung der Wissenschaften e.v.  
 ADDRESS OF ORGANIZATION: Berlin, GERMANY

**TYPE OF ORGANIZATION**

- ☐ University or other Institution of Higher Education  
☒ Tax Exempt under Internal Revenue Service Code (26 U.S.C. §§501(a) and 501(c) (3))  
☐ Nonprofit Scientific or Educational under Statute of State of the United States of America (Name of State \_\_\_\_\_) (Citation of Statute \_\_\_\_\_)  
☐ Would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. §§501(a) and 501(c) (3)) if located in the United States of America  
☐ Would qualify as nonprofit Scientific or Educational under Statute of State of the United States of America if located in the United States of America (Name of State \_\_\_\_\_) (Citation of Statute \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. §1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, with regard to the invention entitled **REGULATORY SEQUENCES CAPABLE OF CONFERRING EXPRESSION OF A HETEROLOGOUS DNA SEQUENCE IN ENDOTHELIAL CELLS IN VIVO AND USES THEREOF** by inventors Georg Braier; Werner Risau; and Volker Ronicke as described in

- ☐ the specification filed herewith  
☒ application Serial No. 09/445,201 filed December 2, 1999  
☐ Patent No. \_\_\_\_\_ issued \_\_\_\_\_

I authorize and request insertion of the serial number of the application when officially known.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. §1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).

NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention availing to their status as small entities (37 C.F.R. §1.27).

Full Name \_\_\_\_\_  
 Address \_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Full Name \_\_\_\_\_  
 Address \_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. §1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Christa Herzog  
 TITLE IN ORGANIZATION Head of Patent Department  
 ADDRESS OF PERSON SIGNING Hofgartenstr. 8, 80539 Munchen, GERMANY  
 SIGNATURE Christa Herzog DATE 3.4.2000  
 Christa Herzog